



# The Commonwealth of Massachusetts

## Executive Office of Public Safety

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### Fact Sheet

#### Patrick/Murray Administration Proposed Legislation

#### "An Act to Enhance Public Safety and Reduce Recidivism by Increasing Employment Opportunities."

5/7/2009

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### Need for Reform

- The Criminal Offender Record Information Law ("CORI") is designed to encourage the successful re-integration of criminal offenders into society by limiting access to criminal records to a narrow group of employers working with vulnerable populations or with critical infrastructure.
- CORI is not working as intended.
  - Employers are gaining access to criminal records from data aggregators, after internet searches and because of self-disclosure.
  - Employees have limited rights to challenge the accuracy or relevancy of records obtained outside of the CORI system.
  - In many cases, employers are paying data aggregators for information held by the Commonwealth.

### Summary of Proposed Legislation

- Make the most relevant criminal history information available on the internet to prospective employers, landlords and supervisors of volunteers for a fee.
  - Provide access to:
    - All sex crimes and homicide convictions
    - Felony convictions for 10 years after sentence is completed as long as there is no subsequent offense

- Misdemeanor convictions for 5 years after sentence is completed as long as there is no subsequent offense
- Pending cases
  - This does not include CWOs which will be considered non-convictions
- Allow record subjects to receive notification of who has accessed their record to police misuse.
- Provide employers limited immunity to negligent hiring where they rely in good faith on a check of CORI database.
- Level the playing field by imposing the same limitations on employer inquiries.
  - Employers cannot inquire about or disclose criminal record except as described above.
  - In all cases, must obtain waiver from record-holder.
  - In all cases, must provide a record-holder with the right to review a record and then contest its relevancy and accuracy prior to an adverse decision based on the record.
  - Provide incentive to employers who do not use “the box” by providing reduced fee access to CORI.
- Dedicate some of revenue – approximately \$20 million/year in total -- to:
  - Sustaining and updating the web-based system and the creation of a fingerprint based criminal record system.
  - Education of employers re hiring of ex-offenders; enforcing and auditing restrictions on use of CORI and juvenile record data; assisting record subjects with correcting inaccurate records.

### **Benefits of Legislation**

This will give prospective employees:

- The right to know when their “CORI” is considered in *all* cases and to challenge its accuracy and relevance in *all* cases – not just in those few where the CORI is obtained from the CHSB.

- The equivalent of automatic sealing.
- The ability to review who has accessed their records.
- A substantial increase in resources devoted to employer outreach and training and enforcement.
- Dedicated funding to move toward a more accurate system: one backed with biometric records (like all 49 other states).
- Advocates to assist in correcting inaccurate records.

This will give employers:

- Instant and reasonably priced access to accurate and relevant criminal history information for all employers.
- Increased clarity of rights and obligations.
- Limited protection from negligent hiring suits when they rely on a check of the Massachusetts database.